REMARKS

Claims 1-92 remain pending in the application. Reconsideration is respectfully requested in light of the following remarks.

In the Office Action of July 30, 2007, the Examiner asserts that Applicant's reply filed July 3, 2007 was not fully responsive to the prior Office Action. The Examiner's reason for asserting that Applicant's previous reply was not fully responsive appears to be that the Examiner does not agree with Applicant's reasons for traversing the restriction requirement. However, to be fully responsive to a restriction requirement, an applicant is only required to make an election. *See* M.P.E.P. 818.03(b). In the previous response, Applicant elected Invention I (claims 1-17, as defined by the Examiner). Thus, Applicant's reply was fully responsive. Applicants are free to traverse a restriction requirement if they so choose. *See* M.P.E.P. 818.03(b). If an applicant traverses a restriction requirement, the applicant is only required to point out the supposed errors in the examiner's action, in addition to making an election. *See* M.P.E.P. 818.03(a). Since Applicant's previous response clearly made an election and clearly pointed out the supposed errors in the Examiner's Action, the previous response was fully responsive to the Office Action of July 30, 2007. Just because the Examiner disagrees with one or more of Applicant's reasons for traversal does not make Applicant's reply not fully responsive. If the Examiner disagrees with Applicant's reasons for traversal, he should make the restriction requirement final and proceed with examination of the elected claims. *See* M.P.E.P. 821.01. Applicant may then petition from the restriction requirement pursuant to 37 CFR 1.144.

The Examiner states that that "Applicant's argument hinge on the Applicant's argument that the restriction requires 'mutually exclusive' inventions." However, Applicant's traversal does not "hinge" on just this argument. To the contrary, Applicant also argued that the Examiner did not show, by way of example, that each of the subcombinations has utility other than in the disclosed combination, as is required by M.P.E.P. 806.05(d). Applicant also argued that the Examiner did not show "reasons why

there would be a serious burden on the examiner if restriction is not required" as is required by M.P.E.P. § 808.

Furthermore, the Examiner is incorrect in his assertion that there is no "mutually exclusive" or "non-overlapping" requirement for subcombinations under M.P.E.P. 806.05(d). A proper restriction requirement under M.P.E.P. 806.05(d) requires that the subcombinations **"do not overlap in scope"**. *See, also*, M.P.E.P. 806.05(j) **which equates the requirement of "do not overlap in scope" with "mutually exclusive."** Subcombinations are separate, non-overlapping components of a combination. In other words, subcombinations usable together in a single combination are two non-overlapping and mutually exclusive components of a larger combination. For example, a claim to a seat bracket and a claim to a gear mechanism could be two separate subcombinations usable together in a bicycle combination. The seat bracket and the gear mechanism would be two non-overlapping (i.e., mutually exclusive) parts (i.e., subcombinations) of the bicycle, where the bicycle is a "combination" of its parts (subcombinations). The Examiner has clearly misapplied the concept of "subcombinations disclosed as usable together in a single combination" to Applicant's claims per M.P.E.P. 806.05(d). For this reason, and the other reasons stated in Applicant's previous response, withdrawal of the restriction requirement is respectfully requested.

CONCLUSION

Applicants respectfully submit the application is in condition for allowance, and an early notice to that effect is respectfully requested.

If any fees are due, the Commissioner is authorized to charge said fees to Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C. Deposit Account No. 501505/5681-66303/RCK.

Respectfully submitted,

/Robert C. Kowert/
Robert C. Kowert, Reg. #39,255
Attorney for Applicant

Meyertons, Hood, Kivlin, Kowert, & Goetzel, P.C.
P.O. Box 398
Austin, TX 78767-0398
Phone: (512) 853-8850

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